

**ENTERED**

December 01, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,

§

Plaintiff-Respondent,

§

V.

§

CHARLES JAIRO SPEZZIA,

CRIMINAL ACTION NO. H-07-031-1  
CIVIL ACTION NO. H-19-4600

Defendant-Movant.

§

§

**ORDER ADOPTING RECOMMENDATION OF THE MAGISTRATE JUDGE**

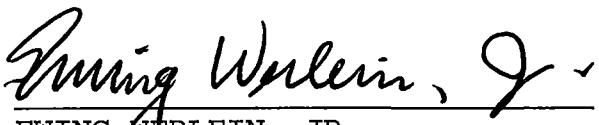
Pending is the Government's Motion to Dismiss (Document No. 207) Charles Jairo Spezzia's "Petition for Relief Under *United States v. Davis*" (Document No. 203). The Court has received from the Magistrate Judge a Memorandum and Recommendation recommending that Spezzia's Petition for Relief under *United States v. Davis* be TRANSFERRED to the Fifth Circuit Court of Appeals and that this case be held in abeyance pending a determination by the Fifth Circuit under 28 U.S.C. § 2255(h). No objections have been filed to the Memorandum and Recommendation. The Court, after having made a *de novo* determination of the Government's Motion to Dismiss and the Magistrate Judge's Memorandum and Recommendation, is of the opinion that the findings and recommendations of the Magistrate Judge should be and hereby are accepted by the Court. Therefore,

It is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge filed on June 1, 2021, which is adopted in its entirety as the

opinion of the Court, that Movant Charles Jairo Spezzia's Petition for Relief under *United States v. Davis* (Document No. 203) is TRANSFERRED to the Fifth Circuit Court of Appeals for a determination under 28 U.S.C. § 2255(h).

The Clerk will enter this Order and send copies to all parties of record.

Signed at Houston, Texas this 1<sup>st</sup> day of December, 2021.

  
EWING WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE